

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, *et al.*,

*Plaintiffs,*

v.

JASON KESSLER, *et al.*,

*Defendants.*

CASE No. 3:17-cv-00072

PRETRIAL ORDER

JUDGE NORMAN K. MOON

The jury trial in this case is scheduled to be conducted from October 25 to November 19, 2021, at the Federal Courthouse in Charlottesville. Finding the following orders pertaining to trial schedule and procedure will promote efficient preparation for and conduct of the trial in this case, it will be **ORDERED** as follows:

1. **Trial Schedule.** Trial days will begin promptly at 9:00 a.m. and end at 5:00 p.m., with a lunch break and breaks in the morning and afternoon. No court will be held on Veterans' Day (Thursday, November 11, 2021).
2. **The Jury.** The jury will consist of 12 persons.
3. **Jury Questionnaires.** The parties will have access to copies of questionnaires returned from prospective jurors as specifically set forth herein. *Any copies of questionnaires or of any information contained therein shall not be disclosed to any other person without prior authorization of Court, subject to penalties including contempt of court.*

Plaintiffs, and Defendants represented by counsel, may each designate no more than **six (6) current counsel of record**, which shall include at least **one attorney admitted to practice**

**in the Western District of Virginia**, to be provided electronic access by the Clerk to receive and review copies of the questionnaires, on a rolling basis. A list including names and occupations of prospective jurors will be provided not more than **five (5) days** before trial.

Any *pro se* Defendant—upon completing a declaration stating, under penalty of perjury, they will not disclose the contents of such questionnaires to any other person—may review the questionnaires onsite in the Clerk’s Office. A paper copy of the completed questionnaires in the format described above will be maintained in the Clerk’s Office.

If any party requests specific access to the confidential juror questionnaires in excess of the provisions outlined above, they shall file a motion to that effect.

A blank copy of the questionnaire has been filed on the docket.

4. **Voir Dire**. The parties may file proposed *voir dire* questions by October 12, 2021. Dkt. 991 at 2 (¶ 10). The Court intends to examine prospective jurors during *voir dire*. Certain preliminary questions will also be asked by the Clerk of Court. After conclusion of the Court’s questions, the parties will be permitted to propose further questions to the Court. The Court itself will ask any additional questions it considers proper. On October 25 and 26, 2021, the Court has scheduled four panels of prospective jurors on each day, to reduce the number of persons in the Courtroom at any given time, as one measure to reduce any risk of spread of COVID-19.

5. **Challenges**. Following *voir dire* for each panel, the Court will consider any challenges for cause. Thereafter, the parties may take peremptory challenges (strikes). Each side is entitled to take **six (6) strikes**. Plaintiffs shall have six strikes. Defendants shall have six strikes which can be **exercised jointly**, following consultation among Defense counsel and with *pro se* Defendants Christopher Cantwell and Richard Spencer.

It is so **ORDERED**.

The Clerk of Court is directed to send a certified copy of this Order to the parties.

Entered this 7<sup>th</sup> day of October, 2021.

  
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NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE